

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Jason Von Steenburgh,)	
)	
Plaintiff,)	Civil Action No. 6:23-4363-RMG
)	
vs.)	
)	
Horry County Sheriff's Department,)	
Sheriff Phillip Thompson,)	
)	ORDER
Defendants.)	
)	
)	

This matter comes before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge recommending that this action be dismissed with prejudice, without leave to further amend, and without service of process. (Dkt. No. 22). Plaintiff, a pretrial detainee, asserts that he suffered an attack by a fellow inmate and that he was not provided thereafter timely medical evaluation which he requested. The Magistrate Judge advised Plaintiff of legal deficiencies in his pleadings and afforded him two opportunities to amend his complaint. Thereafter, the Magistrate Judge recommended dismissal of this action with prejudice because the complaint alleges no personal allegations of wrongdoing regarding the named Defendants, the Horry County Sheriff’s Department is not a “person” under 42 U.S.C. § 1983, and there is no vicarious supervisory liability of Sheriff Thompson. (*Id.* at 4-6).

Plaintiff was advised of his right to file objections within 14 days of service of the R & R and that a failure to file written objections could result in limited review by the District Court and waiver of the right to appeal the judgment of the District Court. (*Id.* at 8). No timely objections were filed regarding the R & R of the Magistrate Judge.

The Court has reviewed the R & R of the Magistrate Judge, the record evidence and the relevant legal authorities. The Court finds that the Magistrate Judge ably summarized the factual and legal issues in this matter and correctly concluded that this action should be dismissed with prejudice without additional leave to amend and without issuance of process. Therefore, the Court **ADOPTS** the R & R (Dkt. No. 22) as the order of the Court and **DISMISSES** this action prejudice, without further leave to amend, and without issuance of process.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

April 10, 2023
Charleston, South Carolina